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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/266,936	03/12/1999	PETRI SILENIUS	1562.0110000	6421

26111 7590 04/23/2003

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EXAMINER

KRUER, KEVIN R

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 04/23/2003

23

Please find below and/or attached an Office communication concerning this application or proceeding.

MK-21

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/266,936	SILENIUS	
	Examiner	Art Unit	
	Kevin R Kruer	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 06 February 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1,4,7,8,10-16 and 31-34 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,4,7,8,10-16 and 31-34 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### **Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### **Attachment(s)**

<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.</p>	<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p>
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## DETAILED ACTION

### *Specification*

The amendments to the specification do not contain any new matter.

### ***Claim Rejections - 35 USC § 112***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. The rejection of claims 1-4, 7, 8, 10-16, and 18-30 under 35 U.S.C. 112, first paragraph, has been overcome with the filing of the various SCAN documents (Exhibits A-D of Paper #22).
2. The rejection of Claims 2, 12, 19, 22, and 26 under 35 U.S.C. 112, first paragraph, has been overcome by Applicant's arguments.
3. The rejection of claims 11 and 25 under 35 U.S.C. 112, first paragraph, has been overcome by Applicant's arguments.
4. The rejection of claims 16 and 30 under 35 U.S.C. 112, first paragraph, has been overcome by Applicant's arguments.

### ***Claim Rejections - 35 USC § 103***

5. The rejection of claims 1, 4, 7, 10, 11, 12-15, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (Pat. No. 5,92546) in view of SE8904337A (aka Carno) has been overcome by argument.
6. The rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over Hampl in view of Carno, as applied to claims 1, 4, 7, 10, 11, 12-15, and 31-34 above, and further in view of Hampl (US 5,893,372) or Griffiths et al. (US 3,928,122) has been overcome by argument.

7. Claims 12 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hampl Jr. (US 5,893,372 in view of Briskin et al (US 3,608,559) and Simon (US 4,303,084). Hampl teaches a high opacity cigarette wrapping paper (abstract) wherein the paper comprises cellulosic pulp (col 6, line 17) and 20-40wt% white pigment (col 3, line 45). The paper preferably has a brightness of at least 70% and an opacity of at least 80% (col 3, line 24). The pigment may comprise calcium carbonate (abstract).

Hampl does not teach the addition of calcium oxalate to the pulp and/or coating of the paper. However, Briskin teaches that a calcium compound in a cellulosic material can be converted to calcium oxalate by treatment with oxalic acid (abstract). The technique is especially useful in cigarette papers (col 1, lines 20+) because it results in improved ashing (col 4, lines 31+). Thus, it would have been obvious to one of ordinary skill in the art to convert the calcium carbonate taught in Hampl to calcium oxalate in order to improve the ashing properties of the paper.

Hampl also does not teach that the paper should be coated. However, Simon teaches that a polymeric chlorine containing film can be applied to a cigarette paper in order to limit the free burning time of the cigarette (abstract). Therefore, it would have been obvious to one of ordinary skill in the art to coat the paper taught in Hampl with the polymeric chlorine containing film taught in Simon in order to reduce the free burning time of the cigarette.

8. Claims 1, 4, 7(1,4, 31), 10 (1, 4, 31), 11 (1, 4, 31)-16, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hampl Jr. (US 5,893,372 in view of Briskin et al (US 3,608,559). Hampl teaches a high opacity cigarette wrapping paper (abstract) wherein the paper comprises cellulosic pulp (col 6, line 17) and 20-40wt% white pigment (col 3, line 45). The paper preferably has a brightness of at least 70% and an opacity of at least 80% (col 3, line 24). The pigment may comprise calcium

carbonate (abstract). NOTE: the examiner takes the position that the calcium carbonate filler meets the limitations of claims 11 and 15.

Hampl does not teach that calcium oxalate may be applied as a pigment to the taught paper. However, Briskin teaches that calcium oxalate may be sprayed onto a cellulose material (col 6, lines 37+). While not as beneficial as incorporating said calcium oxalate into the fibrous material, such application of calcium oxalate to the surface of a fibrous film has limited benefits (col 4, lines 56+). The calcium oxalate is preferably hydrated (col 6, lines 25+). Thus, it would have been obvious to one of ordinary skill in the art to apply calcium oxalate to the surface of the paper taught in Hampl in order to improve the ashing properties of the paper.

With respect to claims 7, 1,4 16, and 34, Briskin teaches that the ashing properties of the paper depends on the proportion of the calcium oxalate coated thereto. Thus, it would have been obvious to one of ordinary skill in the art to vary the amount of calcium oxalate coated on said paper in order to control the ashing content of the paper.

With respect to claims 12, 31, 32, and 33, Hampl does not teach the addition of calcium oxalate to the pulp and/or coating of the paper. However, Briskin teaches that a calcium compound in a cellulosic material can be converted to calcium oxalate by treatment with oxalic acid (abstract). The technique is especially useful in cigarette papers (col 1, lines 20+) because it results in improved ashing (col 4, lines 31+). Thus, it would have been obvious to one of ordinary skill in the art to convert the calcium carbonate taught in Hampl to calcium oxalate in order to improve the ashing properties of the paper.

9. Claims 8(1,4,31), are rejected under 35 U.S.C. 103(a) as being unpatentable over Hampl Jr. (US 5,893,372 in view of Briskin et al (US 3,608,559), as applied to claims 1, 4, 7(1,4, 31), 10 (1, 4, 31), 11 (1, 4, 31)-16, and 31-34 above, and further in

view of Rafton (US 1,934638). Hampl in view of Briskin is relied upon as above, but does not teach the claimed particle size limitations. However, Rafton teaches that papers coated with alkaline fillers are inferior when the particle size of the alkaline filler is not homogeneous (col 2, lines 84+). Thus, it would have been obvious to one of ordinary skill in the art to control the particle size of the particles taught in Briskin in order to obtain a superior coated film.

***Response to Arguments***

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is (703) 305-0025. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703)305-5436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

*X-RK-*  
Kevin R. Kruer  
Patent Examiner

*Paul Thibodeau*  
Paul Thibodeau  
Supervisory Patent Examiner  
Technology Center 1700

US-PAT-NO: 4590955

DOCUMENT-IDENTIFIER: US 4590955 A

TITLE: Cigarette paper with reduced CO on  
burning

----- KWIC -----

U.S. Pat. No. 4,303,084 concerns a method for limiting  
the free burning  
time of a cigarette by coating the paper with a "polymeric  
chlorine-containing  
film-forming latex".